

UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

United States of America )

v. )

Antonio ZAPATA )  
Brownsville, TX )

*Defendant*

Case No. C-15-97m

United States Courts  
Southern District of Texas  
FILED

JAN 25 2015

David J. Bradley, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 01/23/2015 in the county of Kennedy in the Southern District of  
Texas, the defendant violated Title 21 U. S. C. § 841 (a)(1)

, an offense described as follows:

Knowingly, intentionally, and unlawfully possess with the intent to distribute a controlled substance in Schedule II of the Controlled Substance Act of 1970; to wit; 3.5 kilograms of cocaine (AGW).

This criminal complaint is based on these facts:

"SEE ATTACHMENT"

☒ Continued on the attached sheet.

SA Al B

*Complainant's signature*

Submitted by reliable electronic means, sworn to and  
signature attested telephonically per Fed.R.Crim.P. 4.1

Alvaro A. Benavides, DEA Special Agent

*Printed name and title*

~~Sworn to before me and signed in my presence.~~

Date: 01/25/2015

Jason B. Libby

*Judge's signature*

City and state: Corpus Christi, Texas

Jason B. Libby, U.S. Magistrate Judge

*Printed name and title*

**ATTACHMENT**

On January 23, 2015, United States Border Patrol Agent (USBPA) Aurelio Valdez was assigned to inspection duties at the United States Border Patrol Checkpoint, near Sarita, Texas. At approximately 9:50 PM, a silver colored Chevrolet Trailblazer bearing Texas License Plate# FHL-9615 approached the primary lane for inspection. USBPA Valdez began his Immigration inspection and questioned the driver, who identified himself as Antonio ZAPATA. During the Immigration inspection, USBPA Valdez asked the driver where he was headed and ZAPATA told the agent that he was traveling to Corpus Christi, Texas for work. USBPA Valdez then asked ZAPATA where he worked and ZAPATA stated that he had just started working at a cement company in Corpus Christi, Texas but ZAPATA could not remember the name of the company. USBPA Valdez noticed that ZAPATA became nervous during the questioning and began repeating the questions that were being asked regarding ZAPATA's employment. ZAPATA stated that he did not know any basic information regarding his employer such as address and the name of the cement company. USBPA Valdez then asked ZAPATA if the vehicle he was operating was registered under his (ZAPATA's) name and ZAPATA stated that it was registered under his name and that he (ZAPATA) had owned it for approximately two years. While conducting the Immigration inspection, USBPA David Ford and his canine partner Kyra-D conducted a free air sniff of the vehicles exterior. USBPA Ford advised that his canine had alerted to the vehicle. Subsequent to the USBP canine alert to the vehicle, USBPA Valdez then asked VALDEZ for consent to the search the vehicle. ZAPATA provided verbal consent to USBPA Valdez and agreed to allow his vehicle to be searched. USBPA Valdez then directed ZAPATA to park in the secondary lane for further inspection.

Once the vehicle was in the secondary area, ZAPATA was allowed to enter into the Sarita, Texas Checkpoint station for further questioning. USBPA Ford conducted a systematic search of the vehicle with his service canine. USBPA Ford informed USBPA Valdez that his service canine had alerted and indicated to the dash and center console area of ZAPATA's vehicle. Following a thorough search of that area, USBPA Ford informed USBPA Valdez that an after-market compartment had been located in the dashboard of the vehicle, which was found to contain three bundles of a white powdery substance. Upon discovery of the contraband, ZAPATA was placed under arrest and escorted into the processing area. The white powdery substance was field tested by USBP agents and tested positive for cocaine and found to have an approximate gross weight of 3.5 kilograms.

Following the arrest of ZAPATA, DEA Special Agent Alvaro Benavides and USBP Task Force Agent Jesus Villarreal arrived at the Sarita, TX checkpoint and assumed custody of the investigation. SA Benavides read ZAPATA his Miranda Rights in the Spanish language, at which time ZAPATA acknowledged that he understood his rights and waived them and agreed to answer questions, as evidenced by the signed Miranda Rights form, witnessed by USBP TFA Jesus Villarreal. ZAPATA admitted knowledge of the cocaine in the vehicle and advised that he was going to be paid \$3,000 US currency and allowed to keep the load vehicle as payment for transporting two (2) packets of cocaine from Brownsville, TX to Corpus Christi, TX.

SA Benavides contacted AUSA Chad Cowen and informed him of the facts surrounding the case, at which time AUSA Cowen authorized the arrest of ZAPATA. SA Benavides assumed custody of ZAPATA and all the evidence involved with the case. The amount of cocaine seized infers distribution. ZAPATA was then transported to the Coastal Bend Detention Center in Robstown, TX, pending his initial appearance before U.S. Magistrate Judge Jason Libby in Corpus Christi, TX.